

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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Docket No. RM2002-1

VAL-PAK DIRECT MARKETING SYSTEMS, INC.
AND VAL-PAK DEALERS' ASSOCIATION, INC.
COMMENTS IN RESPONSE TO COMMISSION ORDER NO. 1341
(June 21, 2002)

Commission Order No. 1341 (issued May 8, 2002) attempts to move Commission litigation from hard copy filings to electronic filings in one giant leap. It preserves a requirement for hard copy filings for only three categories of documents: (i) the Postal Service's request; (ii) written testimony that exceeds 20 pages; and (iii) briefs that exceed 20 pages.¹ For reasons explained below, however, it is suggested that Order No. 1341 may attempt too great a leap that will make litigation of Commission dockets more difficult if certain revisions are not made.

An alternative approach is suggested. The Commission should continue to require a hard copy filing of: (i) the Postal Service's request and anything that potentially can be included in the formal record, such as responses to interrogatories, NOIs, and POIRs; (ii) all written testimony, not just those that exceed 20 pages; and (iii) all initial and reply briefs, not just those that exceed 20 pages.

This alternative still would eliminate the requirement for hard copy filings of all interrogatories, and all motions practice, plus miscellaneous filings, such as notices of intervention and change of address. This alternative still eliminates the need to file a very

¹ See Commissioner Order No. 1341, Attachment 1, page 3, item (1).

substantial number of documents.

The following points support the alternative proposal made herein:

1. Focus on “substantive” items. The record in the docket must be preserved with certainty since the Commission’s Opinion and Recommended Decision must be based on the record. This type of certainty, it is submitted, can best be ensured by retaining the hard-copy requirement for record documents. This suggested alternative requires hard copy of those substantive items that can, and potentially may be, included in the record (except briefs, *see* discussion below), while allowing everything else to be filed electronically.

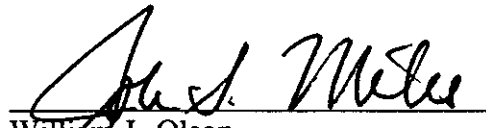
2. Hard copy needed for skim reading. Many parties try to skim read virtually all substantive responses to interrogatories filed during the case and, at least for many, skim reading hard copy is still much more expeditious than skim reading on the screen. If parties were required to locate, print, collate and staple every interrogatory response that is filed during an omnibus rate case, it would be a time-consuming and burdensome task. Because of the time that it takes to scroll through a document on the screen, the alternative to not printing often would be to not read the item in question. Further, it is much more expeditious for the originator to print, collate and staple multiple copies on a high speed copy machine than it is for recipients to do so on individual printers. Some parties may have only slower inkjet printers, which compounds the problem.

3. Hard copy facilitates filing and recall at critical times. Many parties physically mark up and retain many responses to interrogatories, NOIs and POIRs until the end of the case. It is very helpful to have hard copies of these particular items during the case, particularly during the busy period when interrogatory responses must be designated for

inclusion in the record and referenced for writing briefs. If parties did not receive hard copy in the mail, they would need to spend a considerable amount of time printing and collating interrogatory responses.

4. The 20-page limit on testimony and briefs will create problems. Finally, the 20-page limit on briefs and testimony creates the following problem. Assume that all testimony and briefs are filed electronically and, in addition, testimony and briefs over 20 pages also are filed in hard copy. Shortly after the filing date, parties would have received a stack of hard copy testimony or briefs that need to be read. In addition, there may be other testimony or briefs (under 20 pages) on the Commission's website that they do not have in hard copy. To ascertain from the website exactly which testimony or briefs the parties do NOT have in hard copy, and therefore may need to print, can be a time-consuming chore in and of itself.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John S. Miles", is written over a horizontal line.

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John S. Miles

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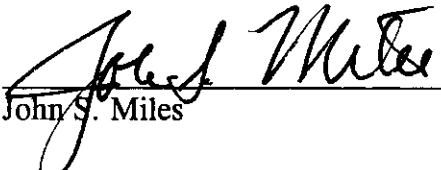
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all participants of record in this proceeding in accordance with Section 12 of the Rules of Practice.



John S. Miles

June 21, 2002